

GARVEY, BALLOU

A PROFESSIONAL CORPORATION
COUNSELLORS AT LAW
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Attorneys for Defendant, Costco
Our File No. 131.25602- RAB/dg
Attorney ID#: 017381982

UNITED STATES DISTRICT COURT OF NEW JERSEY

STEVE MCLEOD

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: OCEAN COUNTY
DOCKET NO. OCN L901-20

Plaintiff(s),
vs.

COSTCO WHOLESALE

Civil Action

**Notice To Adversary of
Removal of Action**

Defendant(s)

TO: Steve McLeod
105 Ariel Place
Brick, NJ 08724
Pro se plaintiff

Sir/Madam:

PLEASE TAKE NOTICE that in the above-entitled action, defendant, Costco Wholesale Corporation, have this day filed a Notice of Removal, a copy of which is attached hereto, in the Office of the Clerk of the United States District Court for the District of New Jersey. You are also advised that the defendant, upon filing of said Notice of Removal, filed a copy of the Notice with the Clerk of the Superior Court of New Jersey, Law Division Ocean County, which has effected this removal, in accordance with 28 U.S.C. § 1446 (B).

GARVEY BALLOU

BY: /s/ Robert A. Ballou, Jr.

ROBERT A. BALLOU, JR., ESQ.
Attorneys for Defendant
Costco Wholesale Corporation

DATED: May 20, 2021

GARVEY, BALLOU

A PROFESSIONAL CORPORATION

COUNSELLORS AT LAW

PO Box 730

Allenwood, NJ 08720

(732) 341-1212

Attorneys for Defendant(s), Costco Wholesale Corporation

Our File No. 131.25602 RAB/dg

Attorney ID#: 017381982

UNITED STATES DISTRICT COURT DISTRICT OF NEW JERSEY

STEVE MCLEOD

Plaintiff(s),
vs.

COSTCO WHOLESALE CORPORATION,
JOHN DOE(s) 1-10 (fictitious
names representing unknown
individuals) and/or XYZ CORP(s).
1-10 (fictitious names
representing unknown
corporations, partnerships
and/or Limited Liability
Companies or other types of
legal entities)

Defendant(s)

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: OCEAN COUNTY
DOCKET NO. OCN-L-901-21

Civil Action

NOTICE OF REMOVAL

Notice of Removal of State Court Action to U.S. District Court

PLEASE TAKE NOTICE that defendant, Costco Wholesale Corporation ("Costco"), through its undersigned counsel, hereby files this Notice of Removal pursuant to 28 U.S.C. §1446. Costco hereby removes to the District Court of New Jersey all claims and causes of action in the civil action **Steve McLeod v Costco Wholesale Corporation, Docket No. OCN-L-901-21**, now pending in the Superior Court of New Jersey, Law Division, Ocean County (the "State Court Action").

The grounds for removal are as follows:

28 U.S.C. § 1446

1. On April 6, 2021, plaintiff, residing in Brick, Ocean County, New Jersey, filed a Complaint in the Superior Court, Law Division, Ocean County against Costco Wholesale Corporation asserting a claim under State Law.

2. This Notice of Removal is filed in the United States District Court for the District of New Jersey, the District Court of the United

States for the District and Division within which the State Action is pending. 28 U.S.C. § 1446(a); 1441(a).

3. This Notice of Removal is signed pursuant to Rule 11 of the Federal Rules of Civil Procedure. 28 U.S.C. § 1446(a).

4. Annexed hereto as **Exhibit "A"** is a copy of the Complaint and process served upon the defendant in the State Action. 28 U.S.C. § 1446(a).

5. The Complaint was filed on April 6, 2021, and served upon defendant.

6. As of this date, none of the defendants have filed a responsive pleading in the action commenced by plaintiff in the Superior Court of New Jersey, Law Division, Ocean County, and no other proceedings have transpired in that action.

7. The Complaint arises from the plaintiff's contention that on April 13, 2019, while at Costco Wholesale Store located at 465 Route 70, Brick New Jersey he was injured due to flipping off a chair which was missing wheels. He claims personal injuries as a result for which he seeks damages.

8. It appears the amount in controversy will exceed \$75,000. In that regard, this factor for removal is based upon allegations in the Complaint as to the plaintiffs' injuries as noted above.

9. As of the filing of this Notice of Removal, the undersigned has no knowledge that any other defendant has been successfully served pursuant to 28 U.S.C. § 1446(b)(2)(A) and therefore cannot and need not obtain consent of the other named defendant.

10. This Notice is now filed with the Court on May 24, 2021, within thirty (30) days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based, and within one (1) year of commencement of the State Action. 28 U.S.C. § 1446(b).

11. Annexed hereto as **Exhibit "B"** is the Notice to the Clerk of the Superior Court Ocean County of Removal of Action to the United States District Court with regard to the State Action, which will be filed with the Clerk upon return of this Notice of Removal stamped "received". 28 U.S.C. § 1446(d).

12. Annexed hereto as **Exhibit "C"** is the Notice to Adversary of Removal of Action, which will be served promptly upon return of this Notice of Removal stamped "received". 28 U.S.C. § 1446(d).

28 U.S.C. § 1441

13. This Notice of Removal is filed in the District of New Jersey, the District Court of the United States for the District and Division

embracing the place where the State Action is pending. 28 U.S.C. § 1441(a); 1446(a).

14. The plaintiff is a citizen of the State of New Jersey, residing at 105 Ariel Place, Brick, New Jersey 08724.

15. Defendant, Costco is a Corporation with its principle place of business in State of Washington where it was incorporated and where it has its principle place of business with corporate headquarters located at 999 Lake Dr., Issaquah, Washington 98027.

16. The State Action is a Civil Action of which District Courts of the United States have original jurisdiction by virtue of a claim where the matter in controversy exceeds the sum or value of Seventy Five Thousand (\$75,000.00) Dollars, exclusive of interest and costs and is between citizens of different states. 28 U.S.C. § 1332(a).

17. Since our original filing, I have attempted to communicate with pro se plaintiff Steve McLeod following-up on my Request for Statement of Damages. Pro se plaintiff has not yet returned my phone calls or responded to my correspondence requesting he contact me.

WHEREFORE, please take notice that this cause should proceed in the United States District Court for the District of New Jersey, as an action properly removed thereto.

GARVEY BALLOU

BY: /s/ Robert A. Ballou, Jr.
ROBERT A. BALLOU, JR., ESQ.
Attorneys for Defendant
Costco Wholesale Corporation

Dated: May 20, 2021

GARVEY, BALLOU

A PROFESSIONAL CORPORATION

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PO Box 730

Allenwood, NJ 08720

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Attorneys for Defendant(s), Costco Wholesale Corporation

Our File No. 131.25602 RAB/DG

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UNITED STATES DISTRICT COURT DISTRICT OF NEW JERSEY

STEVE MCLEOD

Plaintiff(s),

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COSTCO WHOLESALE CORPORATION,
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1-10 (fictitious names
representing unknown
corporations, partnerships
and/or Limited Liability
Companies or other types of
legal entities)

Defendant(s)

TO: Ocean County Superior Court
118 Washington Street
Toms River, New Jersey

Sir/Madam:

PLEASE TAKE NOTICE that attached hereto is a copy of a Notice of Removal
of this case, which has been filed with the Clerk of the United States District
Court for the District of New Jersey, removing this action to federal court.

GARVEY BALLOU

BY: /s/ Robert A. Ballou, Jr.
ROBERT A. BALLOU, JR., ESQ.
Attorneys for Defendant
Costco Wholesale Corporation

Dated: May 20, 2021